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HOUSE BILL 438

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Keith J. Gardner

AN ACT

RELATING TO PUBLIC ASSISTANCE; REQUIRING COST-SHARING PAYMENTS
FOR MEDICAID RECIPIENTS WHO CHOOSE EMERGENCY MEDICAL SERVICES
WHEN NON-EMERGENCY SERVICES ARE INDICATED.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public Assistance Act is
enacted to read:

"[NEW MATERIAL] MEDICAID RECIPIENTS--COST-SHARING PAYMENTS
FOR EMERGENCY MEDICAL SERVICES WHEN NON-EMERGENCY SERVICES ARE
INDICATED.--

A. Consistent with the federal act and subject to
the appropriation and availability of federal and state funds,
the department shall promulgate rules that require a recipient
who chooses a high-cost medical service provided through a
hospital emergency room to pay a co-payment, premium payment or

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underscoring material = new
[bracketed material] = delete

1 other cost-sharing payment for the high-cost medical service
2 if:

3 (1) the hospital from which the recipient
4 seeks service:

5 (a) performs an appropriate medical
6 screening and determines that the recipient does not have a
7 condition requiring emergency medical services;

8 (b) informs the recipient that the
9 recipient does not have a condition requiring emergency medical
10 services;

11 (c) informs the recipient that if the
12 hospital provides the non-emergency service, the hospital may
13 require the recipient to pay a co-payment, premium payment or
14 other cost-sharing payment in advance of providing the service;

15 (d) informs the recipient of the name
16 and address of a non-emergency medicaid provider that can
17 provide the appropriate medical service without imposing a
18 cost-sharing payment; and

19 (e) offers to provide the recipient with
20 a referral to the non-emergency provider to facilitate
21 scheduling of the service; and

22 (2) after receiving the information and
23 assistance from the hospital described in Paragraph (1) of
24 Subsection A of this section, the recipient chooses to obtain
25 emergency medical services despite having access to medically

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underscoring material = new
[bracketed material] = delete

1 acceptable, lower-cost non-emergency medical services.

2 B. The department shall not seek a federal waiver
3 or other authorization to carry out the provisions of
4 Subsection A of this section that would prevent a medicaid
5 recipient who has a condition requiring emergency medical
6 services from receiving care through a hospital emergency room
7 or waive any provision under Section 1867 of the federal act.

8 C. The department shall not reduce hospital
9 payments to reflect the potential receipt of a co-payment or
10 other payment from a recipient receiving medical services
11 provided through a hospital emergency room."